

REMARKS

Reconsideration and allowance are respectfully requested.

The amendments proposed in this Response address the issues on pages 2-6 of the office action. No new matter has been added. Entry and allowance are requested.

Claims 1-23, 30, 31, and 38 were not rejected over the references and are allowable after entry of the above amendments. Allowance of the remaining claims is requested.

Claims 24, 25, 26, 29, 32, 33, 34, 36, 37, 39, and 40 are patentable over Gorney. Also, claim 27 is patentable under 35 U.S.C 103(a) over Gorney.

Gorney relates to a continuous extrusion of drip irrigation lines in which individual drip irrigation elements establish initial contact with an extruded conduit while the extruded conduit has a linear velocity always greater than a velocity of the drip irrigation elements. That teaching is opposite to that of the present claims in which the speed of the dripping element is higher than the speed of the pipe. Therefore, lacking all the claimed elements, Gorney cannot anticipate nor render obvious the present invention as claimed.

To be anticipating, a prior art reference must disclose "each and every limitation of the claimed invention[,]... must be enabling[,] and must describe...[the] claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claims 24, 28, 29, 36, 37, 39, and 40 are patentable over Bulushek.

Bulushek teaches a drip irrigation tube manufacturing method and apparatus in which the speed of the dripper units advancing caterpillar is equal to the speed of the tube being extruded into which the dripper units are disposed. See, for example column 2, lines 1-4; column 3, lines 20-32, and the speed ratio. that is contrary to the claimed invention in which the conveying means conveys the dripping elements at a speed greater than a speed of the pipe. Lacking all the claimed elements, Bulushek cannot anticipate the present claims.

For an invention to be anticipated, it must be demonstrated that each and every element of the claimed invention is present in the "four corners" of a single prior art, either expressly described therein or under the principle of inherency. Lewmar Marine Inc. v Barient Inc., 3 USPQ2d 1766, 1767-1768 (CAFC, 1987). The absence from prior art reference any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 230 USPQ 81, 84 (Fed. Cir. 1986).

The Examiner states that Bulushek is "capable" to conveying the dripper units faster than the pipe wall. However, Bulushek is silent on that capability.

The prior art reference must disclose every feature of the claimed invention, either explicitly or inherently. Hazani v. U.S. Intern. Trade Comm., 44 USPQ2D 1358 (Fed. Cir. 1997). "To establish inherency, the extrinsic evidence 'must make it clear

that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.'" In re Robertson, 48 USPQ2d 1949, 1951 (Fed. Cir. 1999) quoting from Continental Can Co. v. Monsanto Co., 20 USPQ2d 1746, 1749 (Fed. Cir. 1991).

"Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. Id. 20 USPQ2d at 1749.

Claims 24 and 25 are patentable over Lambert.

Lambert relates to drip irrigation units that are manufactured such that the heat welding step is performed downward of the calibrator by pinching the dripper unit and the wall of the conduit between first and second opposite surfaces. One of the surfaces is driven at the speed of the conduit while the other is arranged on a fixed support to form a feed guide for the dripper units. Thus, the Lambert teaching provides a reduced speed movement of the dripper units on the fixed support feed guide whereas the conduit moves at its regular speed. That is contrary to the present claims which define a conveying means that increases the speed of the dripping elements greater than a speed of the pipe when the dripping elements contact the pipe. Thus, lacking all the claimed elements, Lambert cannot anticipate the present invention.

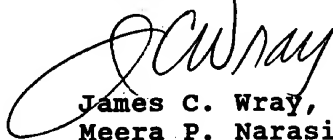
Since the cited reference does not disclose all the elements of the present invention, the reference cannot anticipate the

present invention. Thus, lacking an element of the claims, the reference cannot anticipate the invention. Carmen Indus., Inc. v. Wahl, 220 USPQ 481, 485 (Fed. Cir. 1983).

Nothing in the references, either singly or in combination, teaches or suggests the claimed features. Therefore, the references cannot anticipate nor render obvious the present invention as claimed.

Since Applicant has presented a novel, unique and non-obvious invention, reconsideration and allowance are respectfully requested.

Respectfully,



James C. Wray, Reg. No. 22,693
Meera P. Narasimhan, Reg. No. 40,252
1493 Chain Bridge Road, Suite 300
McLean, Virginia 22101
Tel: (703) 442-4800
Fax: (703) 448-7397

April 4, 2003